

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Claims 1 and 2 have been amended.

No new matter has been added.

The Examiner has imposed a Restriction Requirement, requiring the election of one of the following two groups:

- A. Claims 1-6, drawn to a surge protector, classified in class 361, subclass 120; and
- B. Claims 7-11, drawn to a method of forming a surge protector, classified in class 337, subclass 18 and 20.

The above Restriction Requirement was imposed during a telephone call from the Examiner. In response, Applicants had made a verbal election during a subsequent telephone call with the Examiner on April 24, 2008, provisionally electing Group A, corresponding to claims 1-6, **without** traverse. Applicants confirm their previously made verbal election, provisionally electing Group A, claims 1-6, drawn to a surge protector, without traverse.

The Specification has been amended to correct typographical errors. No new matter has been added.

absorber, and compares the embodiments to several "Comparison Examples." The Examiner contends that Tanaka's description of a "Comparison Example" which includes electrodes made of an alloy including Chromium and a Cr_2O_3 film is comparable to "Chromium enriched on the surface of the oxide films" of the presently claimed invention. Applicants respectfully disagree. Tanaka merely describes a chromium alloy and a Cr_2O_3 film. One of ordinary skill in the art understands an alloy to be a homogeneous mixture of various elements.

In contrast, the surge protector of the presently claimed invention comprises "oxide films having an average thickness in the range of 0.01 to 2.0 μm , with Cr(chromium) enriched on their surfaces." This causes the composition on the surface of the oxide film to include more chromium than throughout the remainder of the oxide film. As described in the Specification, in an exemplary embodiment, "[t]he oxide films 23B have a thickness of 0.6 μm and Cr of 10% or more enriched on the surface thereof." See Specification, ¶[0061].

Additionally, in contending that Cu_2O film of Tanaka is comparable to the oxide film of the present invention, the Examiner concedes that Tanaka does not disclose the claimed range of the thickness of each thin film, however, but contends that the thickness range recited in claim 1 is "viewed to be optimum value," and is therefore obvious to one of ordinary skill in the art. Applicants respectfully disagree. The claimed thickness range of the oxide film, for example, "lengthen[s] the service life of the surge protector by preventing easy scattering of the oxide films." See Specification, ¶[0018]. In contrast, the Cu_2O film of Tanaka serves two functions:

first, a satisfactory wettability to glass at the time of sealing is obtained to provide the sealing even at a relatively lower temperature and in an inert gas atmosphere as is the case of Dumet wire, this hardly produce deterioration of both a conductive coating and the micro-gap due to a thermal stress. Secondly, due to a small work function of the Cu_2O , the arc discharge is easily transferred to between the sealing electrodes apart from a conductive coating of the surge absorbing element by its electron emission accelerating action, therefore a thermal damage of the conductive coating due to discharge is eliminated. See Tanaka, col. 3, lines 50-60.

Since the Cu₂O film of Tanaka does not serve the same function as the oxide film of the present invention, the claimed range cannot merely be an “optimum value,” and thus, cannot not obvious in view of Tanaka.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. §103(a) be withdrawn.

Claims 2, 5, and 6 are rejected under 35 U.S.C. §103(a) as unpatentable over Tanaka in view of U.S. Patent No. 4,410,831 to Shigemori et al. (“Shigemori”).

With respect to claims 5 and 6, as noted above, claims 5 and 6 have been cancelled, rendering the rejection moot.

With respect to claim 2, independent claim 2 has been amended to recite features similar to those discussed above with respect to claim 1. Further, Shigemori does not cure the deficiencies of Tanaka. Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of claim 2 under 35 U.S.C. §103(a) be withdrawn.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Respectfully submitted,

By Louis J. DelJuidice
 Louis J. DelJuidice
 Registration No.: 47,522
 DARBY & DARBY P.C.
 P.O. Box 770
 Church Street Station
 New York, New York 10008-0770
 (212)527-7700
 (212)527-7701 (Fax)
 Attorney For Applicants